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RIGHTS OF THE CHILD

Written statement submitted by Al-Khoei Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 1999]

1. Being its first written statement on the subject of the rights of the child, with regard to the Convention on the Rights of the Child, Al-Khoei Foundation welcomes its prescriptions and supports their universal application. We would, however, acknowledge that children in many parts of the world continue to suffer in contravention of the principles of the Convention and would draw primary attention to the need for greater efforts to translate these principles into practice rather than for a reworking of the principles and specific prescriptions themselves.

2. Whilst all aspects of children's rights and their protection concern us, on this occasion Al-Khoei Foundation would like to comment on the rights of the child with regard to the following areas as issues of particular concern. These are: children in situations of armed conflict, the issue of Islam and rights of the (girl) child, the linkages between tourism and the traffic of children for such purposes as prostitution and pornography, and regulation of the Internet.

Children in situations of armed conflict

3. We welcome the Secretary-General's appointment of a special representative on the impact of armed conflict on children in September 1997 (General Assembly resolution 51/77) following Mrs. Graça Machel's important report. In particular, we support the emphasis on translating standards and commitments into action, drawing both upon the rich resources of international human rights instruments and local value systems, as described in the special representative's first report.

4. Whilst we support all aspects of his work, we would like to draw particular attention, in this instance, to the long-term detrimental effects of international sanctions upon children of target States by citing the case of Iraq.

5. A combination of internal conflicts and two major wars in the last three decades has had a devastating effect on the development of children in Iraq. The imposition of international sanctions on Iraq has also had a major impact on children. It is well recognized that children have been suffering and dying unnecessarily as a result of the breakdown of the health infrastructure, including water, sanitation and inadequate diet.

6. The consequences of sanctions have been biting into the fabric of Iraqi society in other, less visible ways, causing disruption in family life, increasing the divorce rate and reducing the number of marriages because young couples cannot afford to wed. They have also led to an increase in the level of crime and in the number of street children - a situation compounded by the lack of resources and damage sustained by the primary education sectors. A cause for particular concern with respect to the girl child is the possible increase in prostitution.

7. Whilst Al-Khoei Foundation recognizes that Iraqi government policy has also contributed to and exacerbated the misery of Iraqi children by transferring the bulk of the burden of sanctions onto the civilian population,

particularly its discriminatory policies which impose internal sanctions on certain segments of the population, we urge the Commission to consider the effects of sanctions in light of the Convention on the Rights of the Child and international human rights and humanitarian law.

8. In this context, we would also like to assert that the dire social and economic situation in Iraq, compounded by the imposition of sanctions, cannot in any way justify a derogation of responsibility with respect to the human rights and fundamental freedoms of children on the part of the Iraqi Government.

Islam and the rights of the child

9. We welcome, in particular, the appropriately prominent position accorded to the importance of the family unit in the Convention on the Rights of the Child as being in accordance with Islamic principles and rulings. We believe that the rights of children are best protected within the framework of family life and that, historically, Islam's positive role and continued commitment in promoting this should be acknowledged.

10. We would caution, however, that certain States parties to the Convention interpret Islam according to their own narrow political agendas and not by recourse to established Islamic rulings and we condemn the abuse of Islamic tenets in this way. We would, for instance, condemn the severe prohibitions placed upon the human rights and fundamental freedoms of the girl child by the Taliban in Afghanistan in such areas as the right to education, freedom of movement and right to medical care. Similarly, in relation to the girl child, we condemn the practice known as female circumcision, wrongly attributed as being an Islamic injunction, as practised in certain areas of Africa.

11. Such examples of selectivity and distortion of Islamic principles emphasize the need for more authoritative judgements. In this respect, we urge the creation and promotion of an authoritative forum, inclusive of NGO participation, for the purpose of ensuring that Islam itself is not subject to abuse by those States and organizations that purport to be Islamic yet contravene the principles of Islam.

Child labour: sexual exploitation

12. We express deep concern at the developments cited in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography submitted to the Commission in 1998, particularly the fact of growing sex tourism in Central America. We see this as indicative of a worldwide problem, not just one limited to Asia.

13. Whilst welcoming recent measures by several States in the fight against such an abhorrent trade, we urge a more comprehensive investigation under the full authority of international law into its precise nature and scope. We assert that this issue is not merely a matter for the internal affairs of a given country.

14. We welcome the Special Rapporteur's recognition of the impact of the Internet on the commercial sexual exploitation of children. This reiterates our position on the global nature of the problem and the inadequacies of State-level legislation. It is imperative that an integrated forum of discussion and research be set up, inclusive of NGO participation, with respect to international regulation on this particular issue.

15. Finally, we urge the integration of specific punishable crimes relating to the child into the statutes of the International Criminal Court under international human rights and humanitarian law.